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Crl.O.P.No.26004 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26004 of 2023
and Crl. M.P. Nos.18073 & 18074 of 2023

Packirisamy

... Petitioner

-VS-

The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
(Crime No.140 of 2023)

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records of the PRC. No.36 of 2023 pending on the file of the learned Judicial Magistrate at Kilvelur and quash the same.

For Petitioner : Mr.B.Thiyagarajan

For Respondent :Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl.Side)

ORDER

Heard, the learned counsel for the petitioner. This petition is to quash the case in PRC. No.36 of 2023 on the file of the learned Judicial Magistrate, Kilvelur, pursuant to the final report filed by the respondent police on a suo motu FIR for offences under Sections 3(2) (a), 3(2) (b), 4(1), 5(1)(a) of



Immoral Traffic Prevention Act, 1956 and Section 370 of IPC in Crime No.140 of 2023.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the premises which was let out to the second accused. In front of the premises, the petitioner is running a Hotel and the vacant portion in the rear side was let out to one Kows Batsha @ Ravi. The respondent police has registered suo motu case against Kows Batsha @ Ravi and the petitioner, as if they both jointly together involved in enticing girls who visit Velankanni seeking job and push them in frustration.

3. Contending that the search of the premises was not done in the presence of the respectable inhabitant of the locality and other violations, the petitioner seeks to quash the case. It is also alleged that he has been maliciously fixed in this case, since he did not provide food from his hotel with free of costs to the respondent police and therefore, they have written screen play as if he alongwith the first accused has engaged in fresh trade.

4. The learned Government Advocate (Crl.Side) appearing for the State submitted that the statement of the victim girl who was rescued and the confession statement of the petitioner speaks volume and if really the Police wants to fix the petitioner in a false case, there is no necessity for them to rope



another person, the second accused, who is admittedly the tenant of the petitioner.

5. This Court finds force in the submission made by the learned Government Advocate (Crl.Side), since the material collected in the course of investigation makes out a prima facie case, for trial. Hence, the petition to quash is ***dismissed***. Any observation made by this Court in this order shall not prejudice the trial Court, while deciding the case after examination of witnesses. Consequently, connected Miscellaneous Petitions are also dismissed.

12.12.2023

Index :Yes
Neutral Citation :Yes/No.
Speaking order/Non-speaking order
rkp
To
1. The Judicial Magistrate at Kilvelur.
2. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
3. The Public Prosecutor,
Madras High Court,
Madras.

Dr.G.JAYACHANDRAN,J.
rkp



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